IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :7935 of 1995

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Dated: 26th September 2007.

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Between:

Addepalli Venkata Rao, S/o Ramaswamy, aged 60 years, R/o Mallavaram Village, East Godavari District and others.

..... PETITIONERS

AND

The Government of A.P., rep by its Secretary Revenue, Secretariat, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.7935 OF 1995

ORAL ORDER:

This writ petition has been instituted seeking directions to the respondents to pay compensation to the petitioners for the lands acquired in accordance with the provisions contained in the Land Acquisition Act and at par with the amount of compensation paid to those, whose patta lands have been acquired.

Heard Sri V.Manohar Rao and the learned Government Pleader for Land Acquisition.

The learned Government Pleader for Land Acquisition has pointed out that large extents of land have been acquired by the State Government for purposes connected with the Yeleru Reservoir Project and that compensation was paid to the patta landholders in accordance with the provisions contained in the Land Acquisition Act, but insofar as the petitioners are concerned, since the land in their possession was assigned to them earlier and only “D” form pattas were granted to them, they were paid the market value as ex-gratia amount. Since the land originally belongs to the Government they have not been paid the other benefits, which the patta landholders were paid, such as, payment of soletium and interest on the market value. A larger Bench of this Court in W.A.No.170 of 2002 and batch has held that even the assignees are entitled to be paid

market value for the land and it would be the same as is paid to the patta land holders, but however, the State Government had preferred appeal to the Supreme Court against the judgment rendered by the larger Bench and that the Supreme Court passed an order on 24th January 2005, staying payment of compensation in the said case.

In this view of the matter, the entire question relating to payment of compensation to the petitioners would depend upon the outcome of the appeal preferred by the State Government against the judgment rendered by the larger Bench of this Court in W.A.No.170 of 2002 and batch.

In case the appeal preferred by the State Government is allowed, the question of making any further payment to the petitioners for resuming the lands from out of their possession does not arise. On the contrary, if the said appeal is dismissed by the Supreme Court, then, the question of payment of compensation at par with the patta landholders would arise for consideration. Therefore, I direct the respondents herein to undertake a review of the entire exercise within a period of six months after the decision of the Supreme Court is rendered and based on the outcome of the said case, determine the entire matter afresh.

With this, the writ petition stands disposed of. No costs.

Nooty Ramamohana Rao, J

26th September 2007
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